

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>10/15/13</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES

UNION, *et al.*,

Plaintiffs,

-against-

JAMES R. CLAPPER, *et al.*

Defendants.

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13 Civ. 3994 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

On October 1, 2013, Chief Judge Loretta A. Preska stayed all civil actions in the Southern District of New York where the United States Attorney represents the United States, its agencies, or its employees. By letter dated October 10, the ACLU seeks to lift the stay in this case. By letter dated October 11, the Government opposes that application.

The Government argues a stay is appropriate because funding for the Department of Justice has expired and appropriations have lapsed. But Plaintiffs allege they are suffering ongoing irreparable harm. An indefinite shutdown cannot shield the Government from defending against claims of ongoing constitutional violations.

This case presents issues of public importance to the nation and deserves resolution in a timely and efficient manner. As Plaintiffs note, other district courts faced with pressing issues have required the Department of Justice to continue to litigate, despite the shutdown. *See* ECF No. 14, First Unitarian Church of L.A. v. Nat'l Sec. Agency, No. 13 Civ. 3287 (JSW) (N.D. Cal.); ECF No. 11, Priests for Life v. U.S. Dep't of Health & Human Servs.,

No. 13 Civ. 1261 (EGS) (D.D.C.).

Accordingly, the stay is lifted and the Court adopts the following schedule:

1. The parties will file reply briefs on their pending motions on October 25, 2013;
2. This Court will hear oral argument on November 22, 2013 at 10:30 a.m.

Dated: October 15, 2013  
New York, New York

SO ORDERED:

  
WILLIAM H. PAULEY III  
U.S.D.J.

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